

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN NOAKES,

Plaintiff,

v.

CASE WESTERN RESERVE UNIVERSITY,
et al.,

Defendants.

) Case No. 1:21-cv-01776

) Judge Pamela A. Barker

) **DEFENDANT’S MOTION FOR**
) **LEAVE TO FILE SURREPLY TO**
) **PLAINTIFF’S MOTION FOR**
) **EXPEDITED DISCOVERY**
) **INSTANTER**

Defendant Case Western Reserve University (“CWRU” or “Defendant”)¹ respectfully moves this Court for leave to file a surreply to Plaintiff’s Motion for Expedited Discovery (the “Discovery Motion”) *instanter*. This surreply, attached as Exhibit A, is necessary to illuminate Plaintiff’s misplaced reliance on cases outside of the Title IX context and Title IX cases where the internal investigation was completed and/or the student was already removed/expelled. Similar to his requests for injunctive relief, Plaintiff’s Discovery Motion seeks to circumvent CWRU’s Title IX adjudication process with civil litigation. CWRU just started its investigation into Jane Roe’s retaliation complaint against Plaintiff involving Tumblr posts (the “Retaliation Investigation”), and the School of Medicine professionalism proceedings (the “Professionalism Proceedings”) are similarly midstream. Accordingly, this case is not yet ripe for adjudication and expedited discovery is improper. The attached surreply refocuses the Court’s attention on the fact that courts decline to interfere with *ongoing* Title IX investigations, and Plaintiff does not cite to a single case

¹ The Complaint improperly names “Case Western Reserve University School of Medicine” as a defendant. On October 8, 2021, Plaintiff dismissed Case Western Reserve University School of Medicine as a party to this action, and, therefore, no response on behalf of Case Western Reserve University School of Medicine is required or appropriate.

supporting *real time discovery of a university's ongoing Title IX investigation and/or professionalism proceedings.*

Respectfully submitted,

/s/ Amanda T. Quan

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CERTIFICATE OF SERVICE

I hereby certify that on October 11th, 2021 a copy of the foregoing *Defendant's Motion for Leave to File Surreply to Plaintiff's Motion for Expedited Discovery Instanter* was electronically filed with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Amanda T. Quan
One of the Attorneys for Defendant

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